

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEVIN DANIEL MINION,
KAYLA ELIZABETH MARIE MORSE and
RONALD RICHARD MORSE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RONALD RICHARD MORSE, a/k/a RONALD
MORSE, JR.,

Respondent-Appellant,

and

BRANDON GLOD,

Respondent.

UNPUBLISHED

January 22, 2004

No. 249542

Wayne Circuit Court

Family Division

LC No. 01-402752

Before: Donofrio, P.J., and Griffin and Jansen, JJ.

MEMORANDUM.

Respondent Morse appeals as of right from a circuit court order terminating his parental rights to Kayla Morse and Ronald Morse pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that at least one statutory ground for termination had been proved by clear and convincing evidence. MCR 3.977(J), formerly MCR 5.794 (I); *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Although respondent Morse had made some progress with the treatment plan for reunification, he did not invest himself in treatment until after the termination petition had been filed, and he still lacked suitable housing. Further, the trial court's finding regarding the child's best interests was not clearly erroneous. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). The fact that respondent made some progress between the filing of the termination petition and the termination hearing does not clearly overwhelm his failure to show improvement during pendency of the entire case such that termination was clearly not in the

children's best interests. *Trejo, supra* at 364. Therefore, the trial court did not clearly err in terminating respondent's parental rights. *Id.* at 356-357.

We find no merit to respondent's contention that the trial court improperly admitted evidence regarding adoption or entered an order for adoption while this appeal was pending. A review of the record shows that after the proofs in this case were completed, the court conducted a separate hearing to terminate respondent's parental rights to another child pursuant to MCL 710.39. The resulting order was the subject of a separate appeal which was ultimately dismissed. See *In re Minion*, unpublished order of the Court of Appeals, entered August 14, 2003 (Docket No. 249010).

Affirmed.

/s/ Pat M. Donofrio
/s/ Richard Allen Griffin
/s/ Kathleen Jansen